



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,244	06/28/2001	Sreeram Duvvuru	P6197	9154

35690 7590 11/14/2005

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT PAPER NUMBER

2152

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/896,244		DUVVURU, SREERAM	
	<b>Examiner</b>		<b>Art Unit</b>	
	Victor Lesniewski		2152	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The amendment filed 6/23/2005 has been placed of record in the file.
2. Claims 1, 2, 10, 11, 19, and 20 have been amended.
3. Claims 1-27 are now pending.
4. The applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the following new grounds of rejection.

### ***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The applicant's submission filed on 8/24/2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Mangipudi et al. (U.S. Patent Number 6,728,748), hereinafter referred to as Mangipudi.

8. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a computer readable medium or a system are rejected under the same rationale applied to the described claim.

9. Mangipudi has disclosed:

- <Claims 1, 10, and 19>

A computer-implemented method for providing differentiated quality of service in an application server, comprising: a server system receiving a request, wherein said request includes information indicating at least one of user identity, current user role, or a time constraint (column 9, lines 55-61); and in response to receiving the request: accessing pre-determined policy data (column 9, lines 45-51); establishing a quality of service context based on said information included in said request and said policy data (column 9, lines 37-51); and propagating said quality of service context with said request in the server system (column 10, lines 25-31).

- <Claims 2, 11, and 20>

The method of claim 1, wherein said information further indicates a requested service (column 7, lines 6-9).

- <Claims 3, 12, and 21>

The method of claim 1 wherein said quality of service context includes information indicating at least one of service class, priority, or deadline (column 9, lines 45-51).

- <Claims 4, 13, and 22>

The method of claim 1 wherein said establishing a quality of service context is completed at an ingress point (column 7, lines 9-16).

- <Claims 5, 14, and 23>

The method of claim 4 wherein said ingress point is at least one of a web server or a protocol manager service within said server system (column 9, line 65 through column 10, line 9).

- <Claims 6, 15, and 24>

The method of claim 1 further comprising, propagating the same quality of service context with a subsequent request related to said request (column 11, lines 38-41).

- <Claims 7, 16, and 25>

The method of claim 1 wherein said propagating includes inserting said quality of service context adjacent to at least one of a security and transaction context (column 10, lines 21-25).

- <Claims 8, 17, and 26>

The method of claim 1 wherein a load balancing service dispatches said request including said quality of service context, to an application server in a plurality of application servers, based on said quality of service context (column 10, lines 25-31).

- <Claims 9, 18, and 27>

The method of claim 1 wherein a request manager service dispatches said request including said quality of service context, to a component in a plurality of components, based on said quality of service context (column 10, lines 25-31).

Since all the limitations of the invention as set forth in claims 1-27 were disclosed by Mangipudi, claims 1-27 are rejected.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Rakoshitz et al. (U.S. Patent Number 6,578,077) disclosed a method for implementing traffic monitoring or profiling of incoming and outgoing information based on quality of service.
- Colby et al. (U.S. Patent Number 6,862,624) disclosed a method of directing a content request to a best-fit server based on such information as the type of content requested and quality of service requirements.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

The examiner can normally be reached on Monday through Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski  
Patent Examiner  
Group Art Unit 2152



**BUNJOB JAROENCHONWANIT**  
**PRIMARY EXAMINER**